IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

CRP.No. 915 of 2006()

AGAINST THE ORDER DATED 27/01/2003 IN EP.79/01 IN LAR.291/1982 of SUB COURT,THODUPUZHA
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REVN. PETITIONER: RESPONDENT/JUDGMENT DEBTOR:

STATE OF KERALA, REP. BY
THE DISTRICT COLLECTOR, IDUKKI.

BY GOVERNMENT PLEADER SMT.R.BINDU
SRI.A.S.SAJUSH PAUL

RESPONDENT/ PETITIONER/DECREE HOLDER:

MANY MATHEW,
PARAKULANGARA HOUSE, KUDAYATHOOR KARA,
KUDAYATHOOR VILLAGE.

BY ADV. SRI.K.K.CHANDRAN PILLAI

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN,J

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C.R.P.No.915 of 2006

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Dated this the 14th day of August, 2007

ORDER

This revision petition is preferred against the order of attachment passed by the Subordinate Judges Court, Thodupuzha. The learned Government Pleader has placed before me a decision of this Court in the very same matter as per which this Court gave guidelines to fix the correct amount and directing the Subordinate Judge to reconsider and determine the correct balance amount payable to the claimant and for the said purpose the matter was send back. Now the contention in the civil revision petition is also regarding the correctness of the amount. How the amount has to be arrived at and what are the guidelines to be followed and the dictum to be applied are clearly laid down in the judgment in W.P.(C).No.20395/05. The executing court has to fix the amount in terms of the above judgment and then give an opportunity to the judgment debtor to pay the amount and thereafter proceed with the execution proceedings in accordance with law. Needless to say that the judgment debtor and decree holder has to be heard before finally fixing the amount which is due to the decree holder.

M.N.KRISHNAN,JUDGE

dvs